

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL**  
**TUESDAY, JANUARY 6, 2008**  
**7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Harter gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A. Fravel, Jr.,  
Council member Michael Grim, Council member James Harter, Council member Hollis.

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner; Dianne MacMillan,  
Town Clerk; Charles Bockey, Chief of Police; David Griffin, Town Attorney

Press: Winchester Star; ,

**ACTION AGENDA**

Mayor Ewing asked that the Agenda be approved. Council member Grim moved to adopt the agenda and the motion passed.

**PUBLIC COMMENTS**

None

**MINUTES – December 2, 2008 Regular Meeting**

Council member Grim moved for approval of the minutes of December 2, 2008 as presented and the motion carried by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

**TREASURER'S REPORT**

The Mayor asked for questions or comments on the Treasurer's report and there were none. The Treasurer's report was accepted as presented.

## **POLICE REPORT**

Mayor Ewing said the police report had been distributed, asked for any questions or comments and there were none. Chief Bockey answered questions and gave details on certain aspects of his report. He also stated that there has been an increase in calls and assists from the County. There was a brief discussion on speeding enforcement. The police report was accepted as presented.

## **ACTION AGENDA**

### **A. Approval of Appointments of Stephens City Fire & Rescue Officers**

Mayor Ewing stated that the appointments of Officers of the Stephens City Fire & Rescue had been distributed and asked for a motion to approve said appointments. Council member Bowers moved that the appointments as follows be approved. Operational Fire Officers: Fire & EMS Chief, Greg Locke; Asst. Fire and EMS Chief, John Jones; Deputy Fire Chief, Steven Ritter; Captain, T.J. Vaught; Lieutenant, John Jones II; Sergeant, Dave Foley; Operational EMS Officers: Deputy Chief of EMS, Tweety Eastep; EMS Captain, Earl Luttrell; EMS Lieutenant, Tommy Merritt; EMS Sergeant, Willey Dembeck; Operational Safety Officers: Safety Officer, Bruce Luttrell; Asst. Safety Office, Walter Saunders; Asst. Safety Officer, Len Clowser; Asst Safety Officer, Josh Jones. The motion passed with the following vote

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

## **COMMITTEE REPORTS**

Mayor Ewing said that the committee reports were included in the packet and asked for additional information.

It was reported that the Water and Sewer Committee would meet with the Frederick County Sanitary Authority this month.

Council member Hollis reported that the Administrative Committee reviewed the changes to the Erosion and Sediment control ordinance and recommended that Council set a public hearing. Council member Hollis moved that Council advertise for a public hearing to be held at the February meeting for amendments to the Erosion and Sediment Control Ordinance. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

**PLANNER'S REPORT – Brian Henshaw**

Mr. Henshaw reported that the Planning Commission held a special meeting on Monday, January 5 at which it reviewed the future land use plan and map with the recommendations from Council. He said that the public concerns were the 200 foot buffer which could affect the marketability or value of land; whether roads and intersection proposed on the future land use plan and map were fixed or points of reference (determined to be points of reference); and the level of services referenced should be better defined. He reported that the Planning Commission noted some revisions needed to be made to the map to reflect current uses such as the Redwood Motel and the garages on the north end. He said he planned to continue to work with County staff and recommend Council look at the language changes. He said that the buffer area is at the town's discretion and it seems that the Board of Supervisors was not concerned with it according to staff. He said that road and intersections would not need to be addressed because they were points of reference and the level of services were covered in both County and Town Comp Plans. He advised that once this change to the future land use plan and map are agreed to, the next step would be to amend the Comp Plan to include the future land use plan and map. Mr. Henshaw stated that the Planning Commission discussed creating a corridor overlay district from the southern boundary which would address aesthetic features, conservation areas and preservation buffers and a general plan for Main Street, Route 11.

The Mayor asked if the buffer would be addressed through the overlay district. Mr. Henshaw said the overlay district would address areas to be buffered. Council member Fravel pointed out any new development would not be facing Main Street but would be facing west based on access from the proposed bypass. He said the overlay district would address the type and height of signage, setbacks and screening. He said the overlay district was recommended in the preservation plan and Comp Plan but was not addressed because it was not needed until annexation. Mr. Henshaw said control over the area would be provided by an overlay district. Mayor Ewing asked if the 200 foot buffer should be taken out of the land use plan. Council member Fravel said the Planning Commission recommend leaving the 200 foot buffer in but having the ability to be flexible in that area.

Dave Griffin, Town Attorney advised that if anything was put into the Joint Land Use Plan, the Town would be bound by it even if the Comp Plan is changed and without flexibility, Council could be inviting a problem. He emphasized that if everyone agreed that the Joint Land Use Plan calls for a 200 foot buffer any flexibility on this buffer would be lost. He stated that the Annexation Agreement says any changes will follow the Joint Land Use Plan until 60% development is reached. He suggested Council could choose to word it differently so the

language would not lock the Town in. He said this could be done by using the phrase “appropriate buffer” or “up to a 200 foot buffer”. Mr. Henshaw said this would give more time to determine what is appropriate. Mr. Kehoe suggested that it be handled through the corridor overlay plan. There was further discussion on the wording regarding the buffers. Mayor Ewing asked if there were other issues to address before advertising for Public Hearing and Mr. Henshaw said only the issues that were already discussed. He suggested tweaking the language to have more control over the buffer. After further discussion the Mayor and Council agreed to allow Mr. Henshaw to address the language on buffer for public hearing. Mayor Ewing noted that by consensus of Council the only change would be to the language describing buffers. A Public Hearing on the Joint Land Use Plan was set for the February 2009 Council meeting.

### **TOWN MANAGER’S REPORT – Mike Kehoe**

1. Mr. Kehoe reported that the Peter B. Stickley Foundation selected Design Concepts as contractor for architectural work at the old school house.
2. Mr. Kehoe said that Christmas tree pick up would begin on Wednesday, January 7<sup>th</sup>.
3. Mr. Kehoe also reported that the permanent town decals went on sale January 1<sup>st</sup>.
4. He also announced that after discussions with the auditor, the draft audit for 2007-2008 would be presented to the Finance Committee for review this month. Mayor Ewing noted that the Town can then prepare an RFP for audit services for next year.

### **COUNCIL COMMENTS/CALENDAR**

Mr. Kehoe noted that the Newtown Heritage Festival Committee meeting would be on January 15<sup>th</sup> at 7:00 pm.

There being no further business, Council member Grim moved to adjourn at 8:02 p.m. and the motion carried.

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Ray E. Ewing, Mayor Ray Ewing

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Dianne L. MacMillan, CMC, Town Clerk